IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3482 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PROPOSED JAYSHREE KHODIYAR NAGAR

Versus

AHMEDABAD URBAN DEVELOPMENT AUTHORITY

Appearance:

1. Special Civil Application No. 3482 of 1988

MR KS JHAVERI for Petitioner No. 1

MR HS MUNSHAW for Respondent No. 1

MR RM CHAUHAN AGP for Respondents No. 4

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 30/10/2001

ORAL JUDGEMENT

Heard Mr.K.S.Zaveri, learned advocate appearing on behalf of the petitioner and Mr.H.S.Munshaw, learned advocate appearing on behalf of the respondent No.1 so

also Mr.R.M.Chauhan, learned advocate for respondent No.4 - State Authority. Though notice of Rule has been served on respondent No.2 & 3, none appears for them nor any appearance is filed before this Court.

Learned advocate Mr.K.S.Zaveri appearing on behalf of the petitioner has submitted that in identical matters, this Court has passed orders in Special Civil Application No.2133 / 1998 with group of matters on 21-3-1998 [Coram : M.S.Shah, J.] and order dated dated 14-3-2001 passed in SCA No.1907 / 2001 this Court [Coram : A.L.Dave, J.]. The orders of this Court passed in identical matters, tendered by the learned advocate Mr.Zaveri are taken on record. According to the submissions of the learned advocate Mr.Zaveri on behalf of the petitioner, the application dated 2nd February, 1988 submitted by the petitioner still remains unattended and the same is pending before the respondent No.1. It is also submitted that in several other cases, the application of the similarly situated persons have been considered by the respondent No.1 and therefore, Mr.Zaveri, has also relied upon the decisions of this Court rendered in the matters referred to above. Therefore, the request of Mr.Zaveri before this Court while disposing of this matter, this Court without going into merits of the matter, may direct the respondent authority to consider the application which has been submitted by the petitioner within stipulated time limit.

I have considered the submissions of the learned advocate Mr.Zaveri, on behalf of the petitioner and also considered the decisions of this Court in identical matters. Therefore, in above situation, in view of this Court, present petition if disposed of by issuing directions on the respondents, will meet the ends of justice. In above view of the matter, the respondent No.1 is directed to consider and decide the application of the petitioner dated 2nd February, 1988 in accordance with law as expeditiously as possible preferably within two months from the date of service of certified copy of this Court provided the application of the petitioner is still pending with the respondents. Direct service is permitted. Rule discharged. Ad-interim relief, if any, stands vacated.

Date : 30-10-2001 [H.K.Rathod, J.]

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